

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TEXAS GUARANTEED STUDENT	)	
LOAN CORPORATION,	)	CIVIL ACTION NO.
Plaintiff,	)	
V.	)	06-CV-11495(WHP)
	)	
MERCER STREET BOOKS, INC.,	)	
Defendant.	)	February 11, 2008

**AMENDED MOTION FOR JUDGMENT UPON DEFAULT**

Pursuant to Fed. R. Civ. P. 55(b)(2), Local Civil Rule 55.2(b) and the Individual Practices of Judge William H. Pauley III ("Chambers Rules"), the Plaintiff, Texas Guaranteed Student Loan Corporation ("Plaintiff") in the above-captioned action respectfully requests that judgment be entered against the Defendant, Mercer Street Books, Inc. ("Defendant"), for failure to appear or defend this action. In support of this amended motion, Plaintiff would show the following:

1. A default was entered against the Defendant on November 30, 2007 for failure to appear in this action. The Clerk's Certificate is attached hereto and incorporated herein as Exhibit 1. To date, the Defendant has not appeared or otherwise defended in this action.
2. The Defendant has failed to respond to the Plaintiff's claim, as stated in the Plaintiff's Complaint, which is annexed hereto as Exhibit 2.

3. This motion includes a demand for damages, which is supported by the Affidavit of Kaye Worrell ("Affidavit of Debt"), which attests to the sum certain amounts due to the Plaintiff. The Affidavit of Debt is attached hereto and incorporated herein as Exhibit 3.

4. As set forth in the Affidavit of Debt, as of the date of this amended motion, Defendant owes Plaintiff a total of \$9,625.02 (the "Debt"). The Debt includes principal, interest and collection costs.

5. The damages sought herein includes a demand for reasonable attorneys fees, as stated in the Complaint. As demonstrated by the Affidavits of Attorneys' Fees attached hereto as Exhibits 4 and 5, Plaintiff has incurred attorneys fees and costs totaling \$21,094.97 to prosecute this action.

6. Therefore, the total damages sought herein, which amount includes the Debt (\$9,625.02) and the attorneys fees (\$21,094.97), totals \$30,719.99.

7. Annexed hereto, as Exhibit 6, is the Affidavit of Jessica Grossarth submitted pursuant to the Chambers Rules and in support of this amended motion.

8. Pursuant to Local Civil Rule 55.2(b), the undersigned submits a proposed form of default judgment, which is annexed hereto as Exhibit 7.

**WHEREFORE**, Plaintiff respectfully requests that judgment enter against Defendant in this matter in the total amount of \$30,719.99.

Respectfully submitted,  
PULLMAN & COMLEY, LLC

By: /s/ Jessica Grossarth  
Keith N. Costa  
Jessica Grossarth (JG1138)  
850 Main Street, P.O. Box 7006  
Bridgeport, CT 06601-7006  
203-330-2215 Fax 203-576-8888  
**ATTORNEYS FOR PLAINTIFF**  
Texas Guaranteed Student Loan Corporation

**CERTIFICATION**

I hereby certify that on February 11, 2008, a copy of the foregoing was sent by first class, U.S. Mail, to:

Mercer Street Books, Inc.,  
c/o Wayne T. Conti  
206 Mercer Street  
New York, New York 10012

Carol Calhoun  
46 Carmine Street  
New York, NY 10014

/s/ Jessica Grossarth  
Jessica Grossarth

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